

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.C., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT REINHARD,

Respondent-Appellant,

and

ROXANN COLEGROVE,

Respondent.

UNPUBLISHED

January 21, 2003

No. 241777

Kent Circuit Court

Family Division

LC No. 86-173405-NA

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (n)(ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that respondent-appellant was serving a seven- to twenty-five year sentence for armed robbery and was not eligible for parole until fifteen months after trial in this case. Thus, the condition leading to adjudication, respondent-appellant's inability to provide care or custody for the minor child, continued to exist and would not be rectified within a reasonable time considering the child's young age. Additionally, the armed robbery conviction involved a threat of force, and respondent-appellant was sentenced as a habitual offender. The trial court properly concluded that a continued relationship between the child and respondent-appellant would have been harmful to the child.

Finally, the evidence failed to show that termination of respondent-appellant's parental rights was clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-appellant clearly cared for the child's

well-being and made attempts to stay in contact with the agency as well as the child, the circumstances of his lengthy incarceration made a relationship with the child nearly impossible. Respondent-appellant committed the crime when the child was one year old. At the time of trial, the child was five years old, and respondent-appellant had not had a relationship with him for four years. Under the circumstances, termination of respondent-appellant's parental rights was not clearly contrary to the child's best interests.

We affirm.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot